THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13624 OF 1996

DATED: 5-12- 2006

Between:

The Depot Manager, APSRTC,
Hanamkonda

.. Petitioner

and

M. Madhusudhan Reddi and another

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.13624 OF 1996

Order:

This writ petition is filed seeking a certiorari to call for the records pertaining to the award dated 23-09-1995 passed in I.D.No.138/93 of the Labour Court, Warangal and quash the same as illegal, arbitrary and unjust.

The respondent No.1 raised a dispute before the Conciliation Officer as to imposing a punishment of stoppage of 3 increments through the proceedings dated 30-12-1997 of the Depot Manager, APSRTC, Hanamkonda, Warangal District. However, on failure of conciliation, the matter was referred to Government for consideration for being referred to the Industrial Tribunal. The Government, after careful consideration of the matter, referred the dispute to the Industrial Tribunal-cum-Labour Court, Warangal vide G.O.Rt.No.781 dated 24-04-1993 for adjudication of the following issue:-

> " Whether the Dist/Depot Manager, APSRTC, Hanamkonda is justified in imposing the punishment of deferment of annual increment of Sri M.M. Reddy, Conductor, E-31425 for a period of 3 years vide Procs.No.T3/104 (933)/177.HNK. dt. 30-12-1977?"

It was the case of the 1st respondent-workman that while he was conducting a bus on 13.10.1977 on the route Kazipet-Warangal (city bus), a check was exercised between stage No.8/7 and a false case was foisted against the 1st respondent-workman stating that he did not observe the T.I.C. point at Mandibazar and failed to collect fare and issue tickets to two individual passengers who were traveling from ex-stages 9/8 to 7/8; and also failed to collect fare from four individual passengers traveling from ex-stages 8 to 7/6 and for closing all the tray numbers of all denominations at stage No.8.

For conducting an enquiry into the matter, a charge sheet was issued on 15-10-1977 and after calling for explanation, proceedings dated 30-12-1977 were issued imposing penalty of stoppage of increments for three years without cumulative effect. The Labour Court, after hearing both the parties and after considering the material made available before it, came to the conclusion that the penalty of imposing three annual increments was done without conducting any enquiry into the matter. The observation made by the Labour Court seems to be not correct. The stoppage of increments without cumulative effect is only a minor punishment imposed after calling for an explanation from the workman. In this case, the charge sheet was issued on 15-10-1977. The 1st respondent submitted an explanation and having not satisfied with the same, a minor punishment of stoppage of three increments without cumulative effect was passed.

I am of the opinion that the Labour Court is not right in holding that no detailed enquiry is conducted into the matter for imposing a minor punishment. Calling for explanation and considering the same would be suffice. Even otherwise, the punishment was only stoppage of three increments without cumulative effect. In view of the above, whether it is set aside or not, it does not make much difference except

for academic purpose. I am of the opinion that the employee retired on attaining the age of superannuation in the month of November 1999 that is more than seven years as of now. Therefore, I deem it appropriate not to interfere with the order passed by the Labour Court.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

C.V. RAMULU, J

05-12-2006.
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